

**MINUTES OF THE  
STATE ELECTIONS ENFORCEMENT COMMISSION  
November 17, 2004**

***I. Call to Order***

Chairman Cashman called the meeting to order at 9:12 A.M. Present were Commissioners Cleary and Brett. Also present were staff members Messrs. Garfield, Lenge, Zepka, Smith, Crayton, Oyola, Ly, Ms. Haqq, Ms. Kulmacz and Ms. Blackburn.

***II. Approval of the Minutes of the October 20, 2004 Regular Meeting***

It was moved by Commissioner Cleary and seconded by Commissioner Brett to approve the minutes of the October 20, 2004 regular meeting. So voted.

Mr. Garfield requested that the Commission revise today's agenda to add two items under Pending Complaints and Investigations: In Re New London Municipal Election 2003; File No. 2003-274, Respondent Steven Bonneau has not complied with the Commission's order adopted at the last meeting. Mr. Garfield requested that a motion be made to refer this matter to the Attorney General for enforcement of the order. With respect to the Complaint of Paul Santoro, File No. 2004-258, Mr. Garfield requested that another matter not addressed in the proposed Findings and Conclusions should be discussed in executive session.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to add to the agenda File No. 2003-274 as Item 11-A in Public Session. So voted.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to consider the redraft of the proposed Findings and Conclusions in File No. 2004-258 in Public Session and to add that complaint for discussion in Executive Session. So voted.

***III. Pending Complaints and Investigations***

***A. Public Session***

1. Complaints of John Bysko, *et al.*, Old Lyme  
File No. 2004-170  
Proposed Consent Agreement and Order  
Respondent: Kurt Zemba  
and  
Respondent: Lewis Davidson  
Investigator: Attorney William B. Smith  
Managing Attorney: Jeffrey B. Garfield  
Recommendation:

Find Reason to believe that Respondent Lewis Davidson violated  
(a) §9-333j (f) –by failing to file to dissolve his exploratory committee and to file a candidate committee for election the State Senate as required;  
(b) §9-333x (10)—by expending funds of his exploratory committee to make contributions to support other candidate and town committees;  
(c) §9-333i (g)(4)—by expending funds for an impermissible personal use including clothing and shoes;  
(d) §9-333i(j), (k)—by failing to retain receipts for campaign expenses paid by the candidate of more that \$50 and thus receiving impermissible reimbursements

Mr. Garfield explained the above captioned complaint. Attorney Smith investigated this complaint and was unable to resolve the matter with Respondent Lewis Davidson in accordance with the Commission’s guidelines. Mr. Garfield recommended that the Commission find reason to believe that he is in violation as referenced above and that a Hearing Officer be designated.

It was moved by Commissioner Cleary and seconded by Commissioner Brett that the Commission Find Reason to believe that Respondent Lewis Davidson violated (a) §9-333j (f) –by failing to file to dissolve his exploratory committee and to file a candidate committee for election the State Senate as required;  
(b) §9-333x(10)—by expending funds of his exploratory committee to make contributions to support other candidate and town committees;  
(c) §9-333i(g)(4)—by expending funds for an impermissible personal use including clothing and shoes;  
(d) §9-333i(j), (k)—by failing to retain receipts for campaign expenses paid by the candidate of more that \$50 and thus receiving impermissible reimbursements and request a Hearing Officer be designated. So voted.

Chairman Cashman volunteered to be Hearing Officer in the above reference matter.

Mr. Garfield explained with regard to Respondent Kurt Zemba, the Proposed Consent Agreement and Order has been signed and the civil penalty of \$110 has been paid.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order with regard to Respondent Kurt Zemba, File No. 2004-170. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

This complaint remains open with regard to Respondent Lewis Davidson.

2. Complaint of Hector Riollano, *et al.*, Waterbury  
File No. 2004-172 A,B & C  
Proposed Consent Agreements and Orders  
Respondents: David Aldarondo & Felicita Rivera  
Investigators: Attorney Marc W. Crayton &  
Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. Mr. Garfield commended Mr. Oyola and Attorney Crayton for their hard work on this case. Respondent Aldarondo has signed the proposed Consent Agreement and order and has paid the civil penalty of \$500.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order with Respondent Aldarondo, File No. 2004-172 A, B, C. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

Mr. Garfield explained that Respondent Felicita Rivera had indicated that she would be present at today's meeting, however she is not present.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to move File No. 2004-172 A, B, C to Executive Session for discussion. So voted.

3. Complaint of William C. Everett, Mystic  
File No. 2004-173  
Proposed Consent Agreement and Order  
Respondent: Dennis Popp  
Investigator: Accountant Dianna J. Kulmacz  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Popp has signed the proposed Consent Agreement and the amended the financial disclosure statements have been received. Mr. Lenge requested that the proposed Consent Agreement and Order be amended by the removal of the seconded line of the heading.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-173 as amended. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

4. Complaint of Olivia Almagro-Johnson, Hartford  
File No. 2004-176  
Respondent: Olivia Resto  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Albert P. Lenge  
Recommendation: Find reason to believe that Respondent  
Olivia Resto violated Section 9-174 of the  
Connecticut General Statutes

Mr. Lenge explained the above referenced complaint and investigation. He said that Mr. Oyola has not been successful in negotiating a settlement with Respondent Resto and he recommended that the matter be heard before a hearing officer. Mr. Lenge also requested that a violation of §9-381a be included in the violations.

It was moved by Commissioner Cleary and seconded by Commissioner Brett that the Commission finds reason to believe that Respondent Olivia Resto violated Sections 9-174 and 9-381a of the Connecticut General Statutes and that a Hearing Officer be designated. So voted.

Commissioner Cleary volunteered to be Hearing Officer and Chairman Cashman designated her to conduct the hearing.

5. Complaint of Christine L. McLean, Washington, D.C.  
File No. 2004-205  
Proposed Consent Agreement and Order  
Respondent: Ana Molina  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above reference matter. He commended Mr. Oyola for a very good job with the investigation and with crafting a very fair and strong resolution. Respondent Molina has signed the proposed Consent Agreement and Order. Ms. Molina has furnished the documentation for financial hardship and has written a letter of apology to the Puerto Rico Federal Affairs Administration for the problems and the inconveniences that she caused. The civil penalty of \$5000 has been remitted to \$700. The payment has been received.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-205. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

6. Complaint of Dayna McDermott and Katherine Newcombe, Hampton  
File No. 2004-251  
Proposed Findings and Conclusions  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-205. So voted. The matter is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

7. Complaint of Faye Checkley, Seymour  
File No. 2004-252  
Proposed Consent Agreement and Order  
Respondent: Esther W. Rozum  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation. Respondent Esther W. Rozum has signed the proposed Consent Agreement and Order and has paid the civil penalty of \$1,000.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Consent Agreement and Order in File No. 2004-252. So voted. A copy of the Consent Agreement and Order is attached and incorporated herein as part of these minutes.

8. Complaint of Paul R. Santoro, Canterbury  
File No. 2004-258  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the matter with regard to Mr. Lloyd Anderson and Mr. Luther E. Thurlow.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-258. So voted. The matter is dismissed with regard to Mr. Anderson and Mr. Thurlow. A copy

of the Findings and Conclusions is attached and incorporated herein as part of these minutes. There will be further discussion on the matter in Executive Session. This matter remains open.

9. Compliant of Richard H. Garrison, West Hartford  
File No. 2004-259  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the matter.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-259. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

10. Complaint of Lori Ann Jeffers, North Windham  
File No. 2004-279  
Proposed Findings and Conclusions  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and the proposed Findings and Conclusions recommending dismissal of the matter.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the proposed Findings and Conclusions in File No. 2004-279. So voted. The complaint is dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

11. Consideration of Hearing Officer's Report  
In the Matter of a Referral by the Office of New Haven City Clerk  
File No. 2004-163NF  
Respondent: Derrick Draughn, Treasurer  
Committee to Re-Elect Mae Ola Riddick  
Hearing Officer: Jeffrey B. Garfield  
Executive Director and General Counsel  
Managing Attorney: Albert P. Lenge

Mr. Garfield stated that he conducted a hearing in the above referenced matter on October 19, 2004. Following the hearing at which the Respondent did not appear, Mr. Garfield prepared his

Hearing Officers Report. He summarized the evidence and his findings for the Commission, stating that the Respondent has failed to comply or respond in any way. The Respondent is not present at today's meeting. The Hearing Officer's Report that is before the Commission for adoption as a Final Decision orders the Respondent to pay a civil penalty of \$2,000 within thirty days. The Respondent shall also comply with the reporting requirements within thirty days from the adoption of this report as a final decision. If the Respondent fails to comply, the Commission shall refer him to the Chief's State's Attorney for criminal prosecution. Respondent is also barred from serving as campaign treasurer for four years effective thirty days from the adoption of this report as a final decision.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adopt the Hearing Officers Report in File No. 2004-163NF as a Final Decision. So voted. The Final Decision is attached and incorporated herein as part of these minutes.

11-A. In Re: The New London Municipal Election  
File No. 2003-274

Respondent: Steven Bonneau  
Investigator: Attorney William B. Smith &  
Attorney Marc Crayton  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield stated that a hearing was conducted by Commission Cleary on September 21, 2004 and her Hearing Officer's Report was adopted by the Commission as a Final Decision on October 20, 2004. The decision ordered Respondent Bonneau to pay a civil penalty of \$1,000. within thirty days of adoption. He has failed to comply.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to refer Steven Bonneau to the Attorney General for enforcement of the Commission's Order if he does not comply by November 20, 2004. So voted. A letter will be sent to Mr. Bonneau informing him of the Commission's action.

B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)*

It was moved by Commissioner Cleary and seconded by Commissioner Brett at 10:14 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 12 through 17 and File Nos. 2004-172 and 2004-258 which were moved to Executive Session for further discussion. So voted.

Present were Commissioners Cashman, Cleary and Brett. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Oyola and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Brett to return to Public Session at 11:30 A.M. So voted.

Following a short recess, the Commission returned to Public Session and took the following action:

Complaint of Paul R. Santoro, Canterbury  
File No. 2004-258  
Proposed Findings and Conclusions  
Investigator: Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

*This matter is continued.*

Complaint of Hector Riollano, *et al.*, Waterbury  
File No. 2004-172 A,B & C  
Proposed Consent Agreements and Orders  
Respondent: Felicita Rivera  
Investigators: Attorney Marc W. Crayton &  
Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Jeffrey B. Garfield

*This matter was continued.*

12. Complaint of Marie Lopez Kirkley-Bey, Hartford  
File No. 2004-140  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Jeffrey B. Garfield

*This matter was continued*

13. Complaint of Joseph Klett, Newington  
File No. 2004-167  
Investigators: Gilberto Oyola, Lead Legal Investigation &  
Dara Haqq, Accountant  
Managing Attorney: Albert P. Lenge

*This matter was continued*

14. In Re Norwalk Registrars of Voters,  
Referral by the Secretary of the State  
File No. 2004-260  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Albert P. Lenge



*This matter was continued.*

15. Complaint of Brad R. Tobin, Derby  
File No. 2004-284  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Albert P. Lenge

*This matter was continued.*

16. Complaint of Steven H. Hirth, New York  
File No. 2004-285  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

It was moved by Commissioner Cleary and seconded by Commissioner Brett to close this complaint without prejudice. So voted.

17. Complaint of Richard Smith, Milford  
File No. 2004-288  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Albert P. Lenge

*This matter was continued.*

**IV. Designation of Hearing Officers  
Lobbyist Referrals by the Secretary of the State**

File No. 2004-211L  
Respondent: Richard Carmelich, Lobbyist  
Investigator: Paige Adams, Paralegal  
Managing Attorney: Albert P. Lenge  
Recommendation: Find Reason to believe that Respondent Richard Carmelich violated Sections 9-333l(g) and 9-333y of the Connecticut General Statutes

File No 2004-226L  
Respondent: Shawn Hanley, Lobbyist  
Investigator: Paige Adams, Paralegal  
Managing Attorney: Albert P. Lenge  
Recommendation: Find Reason to believe that Respondent Shawn Hanley violated Sections 9-333l(g) and 9-333y of the Connecticut General Statutes

File No. 2004-233L  
Respondent: Michael Lauzier, Lobbyist  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

Recommendation: Find Reason to believe that Respondent Michael Lauzier violated Sections 9-333l (g) and 9-333y of the Connecticut General Statutes

File No. 2004-335L

Respondent: Brian McDermott, Lobbyist

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

Recommendation: Find Reason to believe that Respondent Brian McDermott violated Sections 9-333l (g) and 9-333y of the Connecticut General Statutes

File No. 2004-250L

Respondent: Wendy Wiener, Lobbyist

Investigator: Attorney Marc W. Crayton

Managing Attorney: Jeffrey B. Garfield

Recommendation: Find Reason to believe that Respondent Wendy Wiener violated Sections 9-333l (g) and 9-333y of the Connecticut General Statutes

It was moved by Commissioner Cleary and seconded by Commissioner Brett that the Commission finds reason to believe that the Respondents referenced above violated the statutes in accordance with the statutes cited on the agenda and that Hearing Officers be designated for the purpose of conducting hearings as needed. So voted.

Chairman designated Attorney Garfield as Hearing Officer for File Nos. 2004-211L and 2004-226L. Attorney Lenge was designated Hearing Officer for File Nos. 2004-233L, 2004-235L and 2004-250L.

## ***V. Discussion of Possible Recommendations to the 2005 General Assembly***

### **A. Review of Campaign Finance Proposals**

The Commission deferred the discussion of the Campaign Finance proposals to the next meeting when the full Commission will be present.

### **B. Proposals Concerning Voting Machines, Criminal Penalties for Fraudulent Registration and Voting and Failure to Pay Civil Penalties**

Mr. Garfield summarized the five ideas for revising election laws as set forth in his memo to the Commission. 1) To make fraudulent voter registration and fraudulent voting in elections, primaries and referenda a class D felony to strengthen enforcement and make consistent with absentee voting violations. 2) Require persons to pay election fines or they are not eligible to hold public office or state central or town committee. 3) Authorize SEEC to issue order directing ROVs to remove any person from the registry or enrollment list if it is demonstrated by clear and convincing evidence that the person is

improperly on such list 4) impose voter verified paper ballot requirements for all electronic voting machines used in CT and 5) to increase per diems for SEEC members from \$50 to \$100.

Following a short discussion, Mr. Garfield said that at the December 15, 2004 meeting they will revisit the campaign finance proposals discussed at the October 20 meeting and today's proposals and hopefully also have an Absentee Voting proposal to discuss with the Commission. Staff will hopefully have drafts ready for review and final decision at the January meeting.

**VI. *Adjournment***

It was moved by Commissioner Cleary and seconded by Commissioner Brett to adjourn the meeting at 12:15 P.M. So voted.

Unless otherwise indicated, all votes of the Commission were unanimous.

The next regular meeting is scheduled for Wednesday, December 15, 2004 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn  
Clerk of the Commission